

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brain Dubinsky

Application No.: 10/626,196

Filed: July 22, 2003

For: INFLATABLE BALANCING GAME

Examiner: Unknown

Art Group: Unknown

**INFORMATION DISCLOSURE STATEMENT**

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

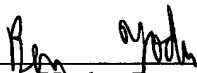
In accordance with Applicant's duty of disclosure under 37 CFR §1.56, and in accordance with 37 CFR §§1.97-1.98, Applicant submits the enclosed modified Form PTO/SB/08. The above-referenced patent application was filed after June 30, 2003, therefore Applicant does not submit each cited U.S. patent, as allowed by the U.S.P.T.O. waiver of 37 CFR 1.98 (a)(2)(i).

It is hereby stated that this Information Disclosure Statement is being filed prior to the issuance of the initial Office Action, and therefore, no petition or fee is required. However, in the event a petition is needed for consideration of this Information Disclosure Statement, Applicant hereby so petitions. Please charge any fee due to Deposit Account No. 09-0946.

Respectfully submitted,

IRELL & MANELLA LLP

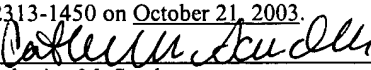
Dated: October 21, 2003

  
Ben Yorks, Reg. No. 33,609

840 Newport Center Drive  
Suite 400  
Newport Beach, CA 92660  
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**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 21, 2003.

  
Catherine M. Sanders

10-21-2003  
Date

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

## **Complete if known**

Applicant Number	10/626,196
Filing Date	July 22, 2003
First Named Inventor	Brian Dubinsky
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	158125-0003 (P001)

## **U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code			
	1	5,772,535		Murphy	06-30-1998	
	2	5,632,490		Brown	05-27-1997	
	3	3,460,830		Barlow et al.	08-12-1969	
	4	3,795,400		Glass et al.	03-05-1974	
	5	3,870,304		Minnick	03-11-1975	
	6	4,538,817		Ramella	09-03-1985	
	7	4,881,733		Rehkemper et al.	11-21-1989	
	8	5,632,490		Brown	05-27-1997	
	9	2,516,997		Kellinger et al.	08-01-1950	
	10	1,905,169		Hartle	04-25-1933	
	11	1,486,690		Schelig	03-11-1924	
	12	2,581,644		Frick	01-08-1952	
	13	2,516,997		Kellinger et al.	08-01-1950	
	14	3,476,391		Fejko	11-04-1969	
	15	5,326,328		Robinson	07-05-1994	
	16	5,673,813		Russel	10-07-1997	
	17	6,497,407	B2	Humphrey	12-24-2002	
	18	5,435,570		Labrasseur	07-25-1995	
	19	719,456		Gailey	02-03-1903	
	20	757,440		Croxford	04-19-1904	
	21	2,247,852		Saunders	07-01-1941	
	22	2,301,265		Fandrey	11-10-1942	
	23	2,602,264		George	07-08-1952	
	24	3,368,814		Kolwicz	02-13-1968	
	25	3,818,628		Ensmann et al.	06-25-1974	
	26	4,726,592		Callahan	02-23-1988	
	27	4,744,565		Newberger	05-17-1988	
	28	4,863,175		Ricks, Jr. et al.	09-05-1989	
	29	5,615,887		Park	04-01-1997	
	30	5,879,731		Beckett et al.	03-09-1999	
	31	3,572,703		Greene	03-30-1971	
	32	4,696,473		Wyzykowski	09-29-1987	
	33	4,733,863		Novotny	03-29-1988	
	34	RE37,362	E	D'Andrea	09-11-2001	
	35	4,043,554		Wolf	08-23-1977	

Examiner: \_\_\_\_\_ Date Considered: \_\_\_\_\_

**Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO/SB/08A (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

**Complete if known**

Application Number 10/626,196  
Filing Date July 22, 2003  
First Named Inventor Brian Dubinsky  
Group Art Unit Unknown  
Examiner Name Unknown  
Attorney Docket Number 158125-0003 (P001)

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code			
	36	2,039,121		Semple	04-28-1936	
	37	2,103,467		Konikoff	12-28-1937	
	38	3,114,548		Taft, Jr.	12-17-1963	
	39	3,559,989		Breslow	02-02-1971	
	40	4,057,247		Morrison	11-08-1977	
	41	4,932,655		Kurita	06-12-1990	
	42	5,007,636		Pagani	04-16-1991	
	43	5,954,340		Tedesco	09-21-1999	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office	Number	Kind Code			

**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

Examiner: \_\_\_\_\_ Date Considered: \_\_\_\_\_

**Examiner:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

2 4 2003  
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U.S. PATENT & TRADEMARK OFFICE

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0.00

## Complete if Known

Application Number	10/626,196
Filing Date	July 22, 2003
First Named Inventor	Brian Dubinsky
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	158125-0003 (P001)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None

☐ Deposit Account:

Deposit Account Number: 09-0946  
Deposit Account Name: Irell & Manella LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$ ) 0.00	

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

## SUBMITTED BY

Name (Print/Type)	Ben J. Yorks	Registration No. (Attorney/Agent)	33,609	Telephone	949-760-0991
Signature		Date	October 21, 2003		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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